

Jeffrey M. Rollman (R138/0012284)
Attorney for Plaintiff

COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
HAMILTON COUNTY, OHIO

KEARNEY	:	CASE NO. DR9400847
	:	FILE NO.
	:	JUDGE PANIOTO
Plaintiff	:	REFEREE KING
VS.	:	
	:	AFFIDAVIT IN SUPPORT
KEARNEY	:	OF COUNTER 75M MOTION
	:	AND AFFIDAVIT
	:	
Defendant	:	

STATE OF OHIO)
COUNTY OF HAMILTON) ss:

Comes now, Christopher L. Kearney, first being duly sworn and cautioned, states as follows:

1. I am the Plaintiff in the above captioned case.
2. I am in the business for myself as a manufacturer's sales representative of machined parts, fabrications, plastic component parts and springs for seven different companies.
3. In February, 1993, I received a back injury while delivering (unloading) heavy conveyors. This injury prohibited me from my normal daily sales activities which included a substantial amount of travelling. My injury, even after a lot of medical attention did not improve. As time went on, the disability increased. As a result, I had surgery on a ruptured disc in October, 1993. Following the surgery, my business activities were limited. It was not until April 1994 that I have been able to again resume normal business activities.
4. During the period of my disability, I was not able to service my clients and have lost substantial business. This includes my single largest customer who accounted for approximately 15% of my total sales. While I was disabled, I did receive a disability compensation for



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seven months in 1993. The total compensation was \$28,477.98. As of March 31, 1994, I no longer receive any disability compensation. Up to the point in time when my disability income ceased, I had received \$13,050.00 in 1994. My only income will be from my sales and rental of a condominium (owned by me prior to this marriage) which is about \$190.00 to \$200.00 per month.

5. My actual gross business income for 1993 was down over \$60,000.00 which caused my salary to be reduced by over \$40,000.00 which reduction is reflected in the W-2 submitted by my wife along with her 75N packet.

6. As much of a problem as the reduction in income was in 1993, is the loss new business contacts that I would have normally been able to make in 1993 which would account for income in 1994 and in the future.

7. At the present time, my income is approximately \$1,800.00 per month. If this trend continues, I will probably make less than \$25,000.00 this year. As a result of the business down turn, I am not going to renew my lease for the business. Effective June 1, 1994, I will be moving the business into my home in order to reduce business expenses.

8. In the past, my wife has refused to work other than occasional part time jobs. She has refused to work with me in my business, refused to be a hostess at Houston Restaurant and BK New Asia Restaurant. She has had prior restaurant experience working for Benihana's for five or six years. She has also turned down teaching Japanese at Internet Services Company and also at Inlingua. She speaks fluent English. Part of the marital problem was the Defendant's unwillingness to work. As the parties do not have any children, a full time house keeper was not needed. She is capable of earning a good wage.

9. Based on conversations with my wife and from my observations during a trip to Japan, Defendant's parents were well-to-do. Both of her parents are deceased. The probate estate is estimated to be over two (2) million dollars. My wife either has or will be in the near future inheriting at least 14% of that amount.

10. At the time of separation (January 28, 1994), the marital savings account at S/3 Bank was cashed in and the total proceeds of \$8,506.25 was given to my wife. (See attached copy of a check).

11. Since the separation, my wife has been living with her adult daughters at no cost to her. Therefore, she

should not have any rental expense. I understand that she has been sleeping on a hideabed. Although she has listed health and auto insurance on her budget, these items have been paid by myself. Due to the unusual amount of clothing that she purchased during the marriage, she should have enough clothing that no or very few new purchases need to be made during the pendency of this action. I further question the gasoline expense if she is not working. Also I do not believe that she has the telephone expense that is listed on her budget. At this time I do not believe that she is spending at the rate of \$5,000.00 per year for travel expenses. During the marriage the parties never spent over \$4,000.00 per year for vacations for the both of them.

Kearney
Kearney

Sworn to and subscribed in my presence this 20 day of April, 1994.

[Signature]
Notary Public

STATE OF NEW YORK
Notary Public
My Commission Expires on 12/31/99
Date: 04/20/94